

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TIMOTHY R. KNOX,
 Petitioner,

vs.

GREGG SMITH, *et al.*,
 Respondents.

3:11-cv-00584-RCJ-VPC

ORDER

Petitioner has submitted a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order filed October 5, 2011, this Court granted petitioner's application to proceed *in forma pauperis*. (ECF No. 4). The Court's order also noted that petitioner failed to file his habeas petition on the court-approved form required by the Local Rules. (*Id.*). Petitioner was given an opportunity to file an amended habeas corpus petition using the proper form. (*Id.*).

Petitioner filed a motion to file a longer than normal habeas petition, along with the proposed habeas petition. (ECF Nos. 5 and 5-1). Good cause appearing, petitioner's motion is granted. This action shall proceed on the amended petition. (ECF No. 5-1).

The amended petition shall now be filed and served on respondents. A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions).

1 **IT IS THEREFORE ORDERED** that petitioner's motion to file a longer than normal
2 amended petition (ECF No. 5) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that this action proceeds on the amended petition filed
4 October 28, 2011. (ECF No. 5-1).

5 **IT IS FURTHER ORDERED** that the Clerk shall **FILE and ELECTRONICALLY**
6 **SERVE** the amended petition (ECF No. 5-1) upon the respondents.

7 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of
8 this order within which to answer, or otherwise respond to, the amended petition. In their answer or
9 other response, respondents shall address all claims presented in the amended petition. Respondents
10 shall raise all potential affirmative defenses in the initial responsive pleading, including lack of
11 exhaustion and procedural default. **Successive motions to dismiss will not be entertained.** If an
12 answer is filed, respondents shall comply with the requirements of Rule 5 of the Rules Governing
13 Proceedings in the United States District Courts under 28 U.S.C. §2254. If an answer is filed,
14 petitioner shall have **forty-five (45) days** from the date of service of the answer to file a reply.

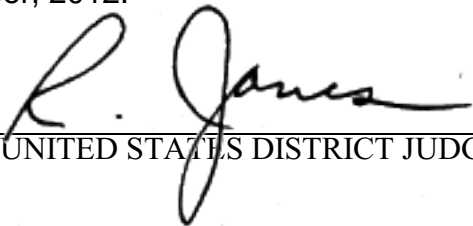
15 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall
16 be filed with a separate index of exhibits identifying the exhibits by number or letter. The hard copy
17 of all state court record exhibits shall be forwarded, for this case, to the staff attorneys in the **Reno**
18 **Division of the Clerk of Court.**

19 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
20 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
21 consideration by the Court. Petitioner shall include with the original paper submitted for filing a
22 certificate stating the date that a true and correct copy of the document was mailed to the Attorney

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1 General. The Court may disregard any paper that does not include a certificate of service. After
2 respondents appear in this action, petitioner shall make such service upon the particular Deputy
3 Attorney General assigned to the case.

4 Dated 121st day of September, 2012.

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7 UNITED STATES DISTRICT JUDGE
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